

EXHIBIT Y

Nick Kaufman, Advocate
King George 33/3, Jerusalem 94261, Israel
Tel: +972-2-625-3357 Fax: +972-2-622-3052
Mobile: +972-544-863-077 E-mail: nick@nick-kaufman.com
Website: www.nick-kaufman.com

EXPERT OPINION

My Instructions

I have been requested to deliver an expert opinion on the quality of justice dispensed by the Israeli military courts on the West Bank ("IMC") which include the Judea Military Court ("JMC") (covering the southern West Bank), the Samaria Military Court ("SMC") (covering the northern West Bank) and the Combined Appeals Court ("CAC"). In the course of giving my opinion, I was requested to pay particular attention to the cases of those defendants convicted of participation in offences of relevance to the case of *Sokolow et al., v. The Palestine Liberation Organization & The Palestinian Authority* ("*Sokolow*") currently being litigated in the United States District Court for the Southern District of New York.

My Expertise

I have been practising criminal law since 1991. Formerly a member of the Bar of England & Wales, I am currently a registered member of the Bar of Israel (from 1995). In 1993, I was enlisted into the Israel Defence Force ("IDF") where, as a new immigrant, I served for approximately 15 months in the International Law Department of the Office of the Military Advocate General. Upon release, I joined a Tel Aviv law firm (Herzog, Fox & Ne'eman), thereafter relocating to Jerusalem where I was employed for 16 years as an assistant district attorney in Jerusalem. In this role, I prosecuted crimes of all natures ranging from the least significant of car thefts to murder and serious sexual offences. I acquired particular experience handling cases involving offences against the security of the State of Israel which were investigated by the Israel General Security Services (otherwise known as *Sherut Ha-Bitachon Ha-Klali* or *Shabak*).

against the occupation. It is the defendant's right to do this, therefore although he murdered he believes that he is not pleading guilty".

The defendant immediately confirmed his counsel's words:

"I confirm that the facts contained in the indictment are correct and what was said by my lawyer. I am not pleading guilty. The Court can decide whether I am guilty or not."

The Court, unsurprisingly, found the defendant guilty of all the offences with which he was charged in the indictment – including those relating to the attack on the No. 19 bus on 29 January 2004.

During the sentencing hearing which was held immediately thereafter, the defendant elaborated on the reasons for his in-court confession:

"I admit killings all those people from Israel, but I am not guilty because it is my right. It is a response to dozens of thousands that you have killed of our people without any reason, just because you think yourselves the best in the world and you continue this method in your way of life – you will not hear of or feel peace or security. The reason for this is your politics and the occupation.

I will speak about myself. I promise you, dear judges, if there will be peace we will be friends in peace and if you continue in the same way, I will be the first to [not clear – N.K.] and I promised you that the day will come when I will sit in your place and judge you for what you have done to the Palestinian people. This is my promise which will be realized soon. I promise you that I will come out of jail and whatever my punishment this will be an honour for me, my wife and my son aged 3. I hope that when he grows up there will be something called "peace". If there will be war – such as you are used to – killing children and babies – I expect him to be a greater fighter and to resist more than me."

The defendant was sentenced, on the same day, to 21 consecutive life sentences and an additional 15 years.

There is nothing in the material with which I have been provided to suggest that the defendant did not receive a fair trial. His confession was voluntary and ideologically motivated.

15. Hilmi Abd-al-Karim Mohammed Hamash – ID No. 901415984
Case 2303/04 – Appeal No. 3084/07

trial – he would have notified such to the Court through his counsel. I have no reason to believe that this defendant was denied due process.

I hereby declare, under penalty of perjury under the laws of the United States, that the foregoing opinion consisting of [.....] pages, each initialed by me, is true and correct to the best of my knowledge and belief.

Nick Kaufman

April 10, 2013

Signature

Date